



CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION • (617) 918-5259

COVERED EMPLOYEE LIVING WAGE FACT SHEET

Covered Vendors shall provide each Covered Employee with a copy of this fact sheet.

1. **COVERED VENDOR:** Any for-profit or any not-for-profit employer who employs at least 25 full-time equivalents (FTE) who has been awarded a Service Contract of \$25,000 or more from the City of Boston must comply with the provisions of the Boston Jobs And Living Wage Ordinance. FTE is defined in the Boston Jobs And Living Wage Ordinance as a formula to calculate the number of employee work hours which equal one full-time position. For the purposes of this Ordinance, full time shall mean the standard number of working hours, between 35 hours and 40 hours per week that is used by the Covered Vendor to determine full time employment.
2. **COVERED SUBCONTRACTOR:** Any subcontractor who is awarded a subcontract of \$25,000 or more from a Covered Vendor and the subcontract is paid from the funds of the City of Boston service contract must comply with the provisions of the Boston Jobs And Living Wage Ordinance.
3. **LIVING WAGE:** As of July 1, 2012 the *Living Wage* is **\$13.49 per hour** for all employees who expend time on a Service Contract awarded by the City or the Subcontract awarded from the Service Contract. The *Living Wage* is subject to adjustment on July 1 of each year.
4. **OFFICE OF JOBS AND COMMUNITY SERVICES CONTACT:** All complaints and inquiries regarding the Boston Jobs And Living Wage Ordinance shall be directed to:

Living Wage Administrator
Living Wage Division
Office Of Jobs And Community Services
43 Hawkins Street
Boston Ma 02114
Phone: (617) 918-5259

5. **COVERED EMPLOYEE COMPLAINTS:** A person or an employee who believes that he or she is a Covered Employee or a person who is an applicant for a position to be filled by a Covered Employee and believes that his or her employer is not complying with requirements of the Boston Jobs And Living Wage Ordinance applicable to the employee, may file a Covered Employee Complaint (Form LW-3) with the Living Wage Division. Complaints by Covered Employees of alleged

violations may be made at any time. Statements written or oral, made by an employee, shall be treated as confidential and shall not be disclosed to the Covered Vendor without the consent of the employee.

- 6. DISCRIMINATION AND RETALIATION AGAINST COVERED EMPLOYEES:** If a Covered Vendor discharges; reduces the compensation of; or discriminates against any Covered employee or any other person for making a complaint to the Living Wage Division, otherwise asserting his or her rights under the Boston Jobs And Living Wage Ordinance, participating in any of its proceedings, or using any civil remedies to enforce his or her rights under the Ordinance, the Covered Vendor shall be considered in violation of the Ordinance. The Living Wage Division shall investigate allegations of retaliation or discrimination.
- 7. PENALTIES AND REMEDIES:** In the event that the Office Of Jobs And Community Services determines, after notice and hearing, that any Covered Vendor has failed to pay the Living Wage rate or has otherwise violated the provisions of this Ordinance, the Office Of Jobs And Community Services may order any or all of the following penalties and relief:
- Fines in the amount of \$300 for each Covered Employee for each day that the Covered Vendor is in violation of this ordinance;
 - The filing of a complaint with the pertinent State or Federal agency;
 - Wage restitution for each affected employee;
 - Suspension of ongoing contracts and subcontract payments; and
 - Ineligibility for future Contracts with the City for three years or until all penalties and restitution have been paid in full.
 - Any other action deemed appropriate and within the discretion and authority of the city.
 - None of the above remedies is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce the right granted under the Living Wage Ordinance in a court of law. The Boston Jobs And Living Wage Ordinance shall not be construed to limit an employee's right to initiate a court action for wrongful termination.
- 8. IMPORTANT TAX INFORMATION/EARNED INCOME CREDIT:** Certain employees who earn less than \$50,000 per year **may** be eligible for certain federal and/or state tax credits called **EARNED INCOME CREDIT**. Your employer's payroll clerk is required to keep on hand the appropriate Internal Revenue Service forms, (Federal Form W5), information and instructions in the event you request assistance in this matter. For more information, call the IRS at 1(800) TAX-1040.
- 9. LIVING WAGE ADVISORY COMMITTEE:** The Boston Jobs And Living Wage Ordinance is overseen by a Living Wage Advisory Committee which meets quarterly. If you have any questions about this Ordinance, contact your employee representatives, Greater Boston Legal Services, Employment Law Unit at 617-603-1810 or the Greater Boston Labor Council at 617-723-2370 or New England United for Justice at 617-265-7100.